

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

Case No. 17-BK-3283 (LTS)

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

as representative of

THE PUERTO RICO HIGHWAYS AND
TRANSPORTATION AUTHORITY,

Debtor.

PROMESA

Title III

Case No. 17-BK- 3567 (LTS)

¹ The Debtors in these Title III cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481), (ii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686), (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808), (iv) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523 (LTS)) (Last Four Digits of Federal Tax ID: 3801).

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

as representative of

THE EMPLOYEES RETIREMENT SYSTEM OF THE
GOVERNMENT OF PUERTO RICO,

Debtor.

PROMESA

Title III

Case No. 17-BK-3566 (LTS)

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

as representative of

THE PUERTO RICO ELECTRIC POWER AUTHORITY,

Debtor.

PROMESA

Title III

Case No. 17 BK 4780-LTS

**MOTION BY THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR
PUERTO RICO, ACTING BY AND THROUGH THE MEMBERS
OF THE SPECIAL CLAIMS COMMITTEE, AND THE OFFICIAL COMMITTEE
OF UNSECURED CREDITORS TO EXTEND DEADLINES RELATING TO MOTION
TO ESTABLISH PROCEDURES FOR THE APPROVAL OF SETTLEMENTS, AND
RELATED RELIEF**

To the Honorable United States Magistrate Judge Judith G. Dein:

The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), acting by and through the members of the Special Claims Committee (the “SCC,” and hereinafter, the SCC may be more broadly referred to as the “Oversight Board”), and the Official Committee of Unsecured Creditors of all Title III Debtors (except PBA and COFINA) (the “Committee,” and together with the Oversight Board, “Movants”), hereby file this motion (the “Motion”), pursuant to section 105(a) of title 11 of the United States Code (the “Bankruptcy Code”)¹ and Rule 2002 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), all made applicable to these Title III cases by section 301 and 310 of the Puerto Rico Oversight and Management, and Economic Stability Act (“PROMESA”), requesting entry of an order, substantially in the form attached hereto as Exhibit A (the “Proposed Order”), extending certain deadlines and clarifying notice and service requirements in connection with the Movants’ *Motion by the Financial Oversight and Management Board for Puerto Rico, Acting by and through the Members of the Special Claims Committee, and the Official Committee of Unsecured Creditors to Establish Procedures for the Approval of Settlements* (the “Settlement Procedures Motion”) [ECF No. 16372]. In support of this Motion, Movants respectfully state as follows:

1. The Movants filed the Settlement Procedures Motion on April 9, 2021. The Settlement Procedures Motion would bind certain “Tolled Parties” as defined therein to, among other things, jurisdiction of this Court over certain potential disputes.² The Movants did not identify the Tolled Parties within the Settlement Procedures Motion, for reasons of confidentiality. *See* Settlement Procedures Motion at 3, fn. 4.

¹ 11 U.S.C. §§ 101 *et seq.*, as incorporated into these proceedings by PROMESA, defined above.

² Capitalized terms not otherwise defined herein shall have the meaning provided in the Settlement Procedures Motion.

2. The Movants served the Settlement Procedures Motion via their notice agent, which filed a certificate of service thereof at ECF No. 16426 (the “Certificate of Service”). The notice agent did not have service information for the unidentified Tolled Parties, however, and therefore did not serve such parties or identify them on the Certificate of Service.

3. On April 21, 2021, the Court entered an *Order Setting Briefing Schedule* on the Settlement Procedures Motion (the “Briefing Order”) [ECF No. 16489]. The Briefing Order did not direct service thereof, and the Movants did not serve the Briefing Order upon any particular party, including the Tolled Parties.

4. As a result of the foregoing, the record before the Court does not reflect certification that the Tolled Parties received service of the Briefing Order or the Settlement Procedures Motion, and it is not clear whether Tolled Parties in fact received such service. The Movants believe that the notice agent is capable of effectuating service of these documents on the Tolled Parties without publicly identifying such parties by name.

5. Accordingly, to ensure that all interested parties, including the Tolled Parties, have sufficient notice of the Settlement Procedures Motion and the Court-imposed briefing schedule, the Movants request that the Court enter an order, substantially in the form attached as **Exhibit A** hereto, extending the deadlines for responses to and replies in support of the Settlement Procedures Motion as provided in the Briefing Order, and permitting the Movants to certify service of the Settlement Procedures Motion and the revised scheduling order upon all parties in interest described in the Settlement Procedures Motion, including the Tolled Parties without identifying such parties by name.

NOTICE

6. The Oversight Board has provided notice of this Motion to: (i) the Chambers of the Honorable Laura Taylor Swain; (ii) the Chambers of the Honorable Magistrate Judge Judith

G. Dein; (iii) the Office of the United States Trustee for Region 21; (iv) AAFAF; (v) counsel for AAFAF; (vi) counsel for the Oversight Board; (vii) Counsel for the Creditors' Committee; (viii) Counsel for the Retiree Committee; (ix) the entities listed on the List of Creditors Holding the 20 Largest Unsecured Claims in COFINA's Title III case; (x) counsel to any other statutory committee appointed in these Title III Cases; and (xi) the Tolled Parties to whom this Motion and proposed order apply, through their counsel, if known, or through their resident agent or a representative.

WHEREFORE, Movants respectfully request that this Court enter an order substantially in the form attached hereto as Exhibit A granting the relief requested herein and granting Movants such other relief as this court deems just and proper.

Dated: April 30, 2021

Respectfully submitted,

/s/ Sunni P. Beville

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-and-

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